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Negotiating Team Citizens' For Police Review Strategic Planning Session November 15, 1997

Commission for Blacks

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CITIZENS *For* **POLICE REVIEW**

Ron Davis, Organizer

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Kathy Roberts
[8Nov97]

Foreword - *Our Beginnings*

- By Ron Davis, Organizer

In the early 1990s, Knoxville police misconduct became rampant. The Knoxville Chapter of the NAACP quickly realized that it did not have the capacity to respond to the growing number of complaints. The NAACP began its investigation into the feasibility of a Citizens' Review Board.

In 1996, County Commissioner Dianne Jordan, responding to the increasing complaints of Knoxville police misconduct from citizens in the 1st district, held public hearings. At these hearings, citizen after citizen recounted incidents of police misconduct.

In July 1997, the NAACP sought to move forward with a proposal to the city of Knoxville calling for a Citizens' Police Review Board. The attendees at the July meeting believed that the plan needed more citizen input. To proceed with this work, the group sought to create a more inclusive organizing base. We started the name *Citizens for Police Review (CPR)* and our proposed scope is herein stated.

CPR is an emerging organization that is separate from the NAACP and the Jordan hearings. The leadership will be defined by the members of the Community Council (page 4).

Our first order of business is the ratification of this document as our organizing intent.



CITIZENS

For

POLICE REVIEW

Who We Are (trying to become)

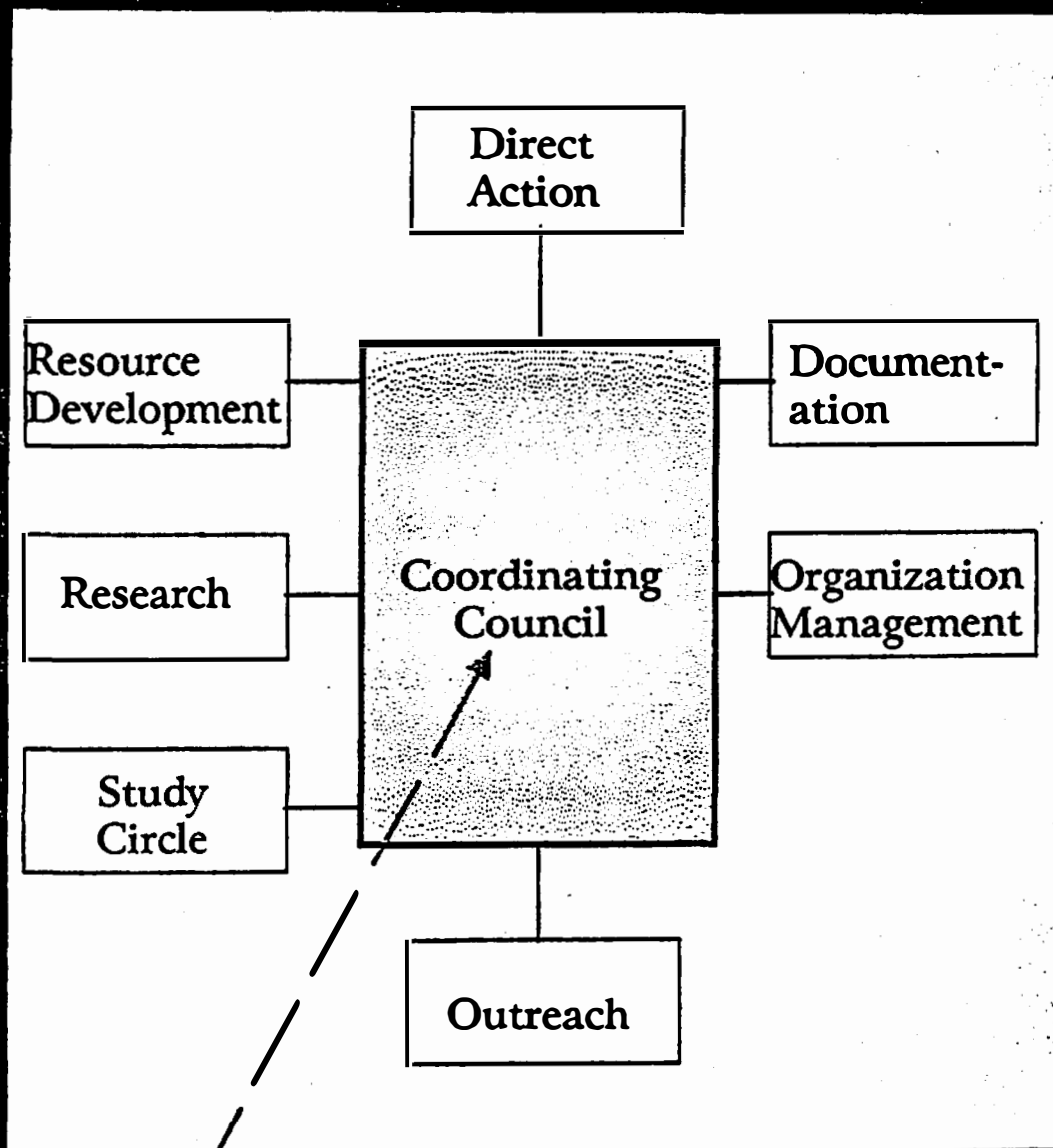
AN ORGANIZED GROUP OF CITIZENS SEEKING TO USE DEMOCRATIC MEANS TO BRING FORTH JUSTICE. We maintain that our leadership must come from the people adversely affected by the problem(s) upon which we are focusing. We believe in ACCOUNTABILITY – the accountability of those we govern and the accountability of those who govern us. Toward this end, we are establishing a Community Council to which this organized body of citizens is held accountable. Our focus is on the creation of an independent Citizens' Police Review Board to ensure the accountability of our law enforcers.

Goals

To gather committed and concerned citizens of Knoxville/Knox County to:

- ☐ Learn from each other the focus issue (police accountability to the citizens who are adversely affected)
- ☐ To support African-American shared leadership
- ☐ To encourage and promote greater democratic participation in the issues that affect our lives
- ☐ To promote, facilitate, and implement community self-determination
- ☐ To increase the capacity of African-Americans to take leadership in shaping destiny

CPR ORGANIZATIONAL CHART COMMUNITY



COUNCIL

Council of
Elders

Advisory to the
Coordinating Council

11/6/97

Organizational Structure

(Refer to Diagram)

Community Council

The **Community Council** is the complete group of members participating in this project to be divided as follows: Seven Work Units (participation in at least one unit is a requirement for membership), a Coordinating Council of twelve members, and a Council of Elders. All members working with one of the working groups will be given a membership card. All card-carrying members are eligible to vote on Community Council business. This Council makes decisions about the work of the CPR group. It either *ratifies* or *denies* all plans of action submitted by the Coordinating Council and Work Units.

Work Units

Direct Action Group - Develops, plans and promotes the organization's call to action. They work to prepare the organization for all direct action campaigns. They investigate and develop direct action tactics that relate to the organization's strategic plan.

Documentation Group - Collects and puts together information that informs the community about the history of the problem, the present level of the problem and the work we are involved in to overcome the problem. They are granted creative license to use the arts and any necessary resources in any manner of their choosing to communicate to the community the seriousness of this issue.

Organization Management Group - Plans, develops, and implements those activities or processes that protect the organization from internal or external destruction. They develop processes to ensure the accountability and transparency of the organization. Their responsibilities also include the development of a) internal conflict resolution mechanisms, b) processes to ensure inclusiveness, c) the fiscal accountability plan, d) processes for mission development and e) documents to relate the mutual obligations of the members and the organization.

Outreach Group - Plans, coordinates and strategizes the outflow of information from the organization. They coordinate public relations, alliance-building with other groups, and any other activity deemed appropriate to strengthen the capacity of the organization's work with other groups.

Study Circle Group - Plans and implements the work of forming *study groups* to help the community become better informed about the issue(s) upon which the organization is

focused. Their charge is to promote discussion and dialogue around the focus issue of the organization. (Informed people make better decisions.)

Research Group - Collects, assembles, writes and disseminates the histories of the work of other communities relevant to starting a citizens' police accountability process. This includes, but is not limited to, anecdotal evidence from people involved, copies of authorizing legislation, copies of police accountability plans and evaluations completed on plans. This group will share any material deemed to be important for helping others to understand the Police Accountability issue with other internal groups.

Resource Development Group - Develops, proposes and carries out the work necessary and appropriate to raise money to carry out the work of the organization. They focus on developing an organization self-sufficiency plan. They develop plans to meet the resource needs as defined by the Community Council and refined by the Coordinating Committee.

Coordinating Council

The **Coordinating Council** is a twelve-member group who makes decisions for the Community Council when it can not act on a decision between meetings. The members of the Coordinating Council are selected by the members in their chosen work group. The remaining five are elected at-large by the Community Council. Coordinating Council members serve for one year, until their work group selects someone else, or when the Community Council disbands the work group. The Coordinating Council uses team leadership in carrying out its work and keeps the work goal focus. All ad hoc groups, such as the members participating in the Mayor's *Task Force*, are accountable to the Community Council through the Coordinating Council. The Coordinating Council may take on more duties or have duties reduced as determined by the Community Council. The Coordinating Council has the power to recall any person not perceived to be representing the best interest of the organization.

Council of Elders

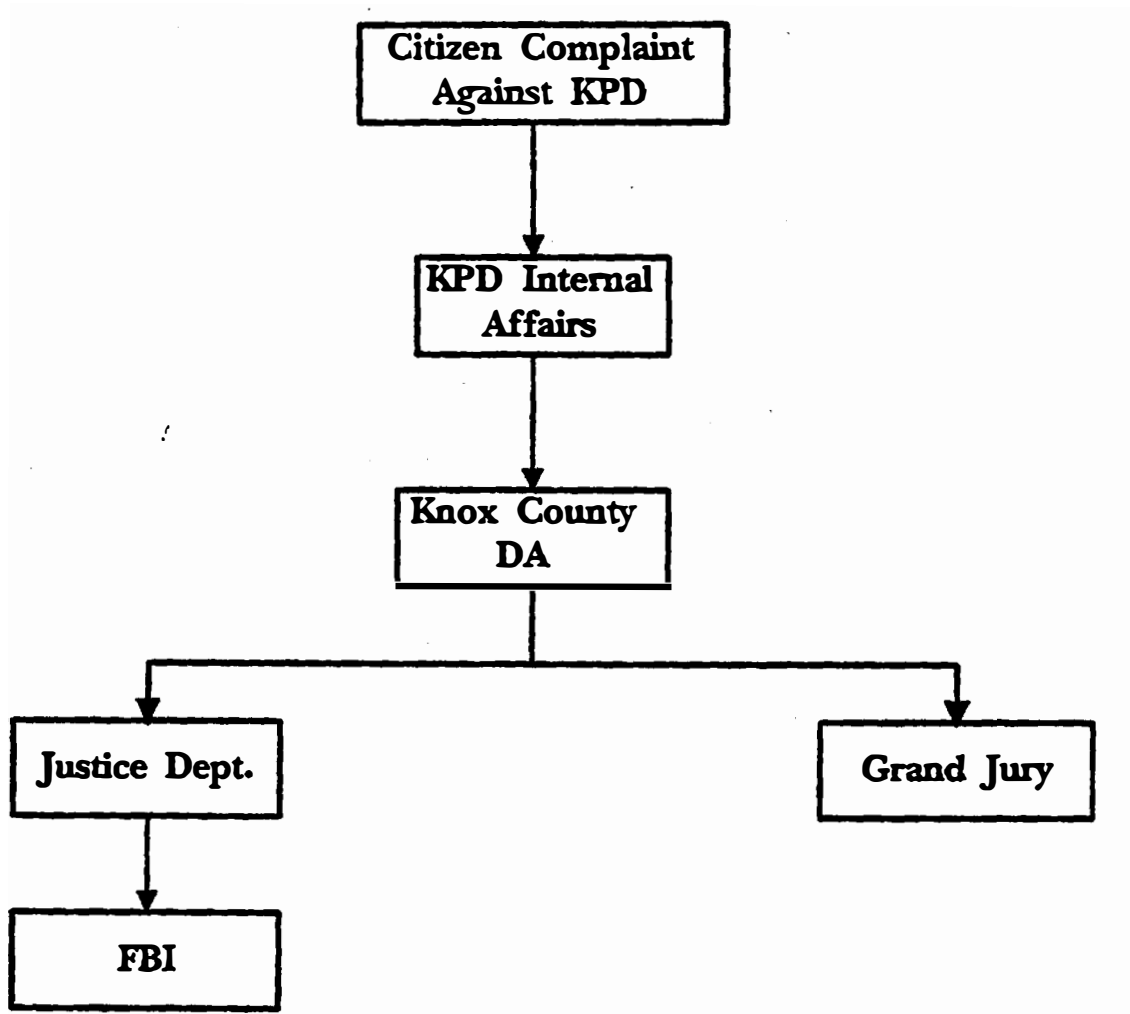
Council of Elders. This group acts in an advisory capacity and will consist of as many people as desired.

Requirements:

- ☐ Some community activism history
- ☐ History or experience with the issue under focus
- ☐ Experience with the institutional players involved in the struggle
- ☐ Must have some local roots and must be willing to meet with the Coordinating Council for advisement at various times.

Citizen Complaint Process

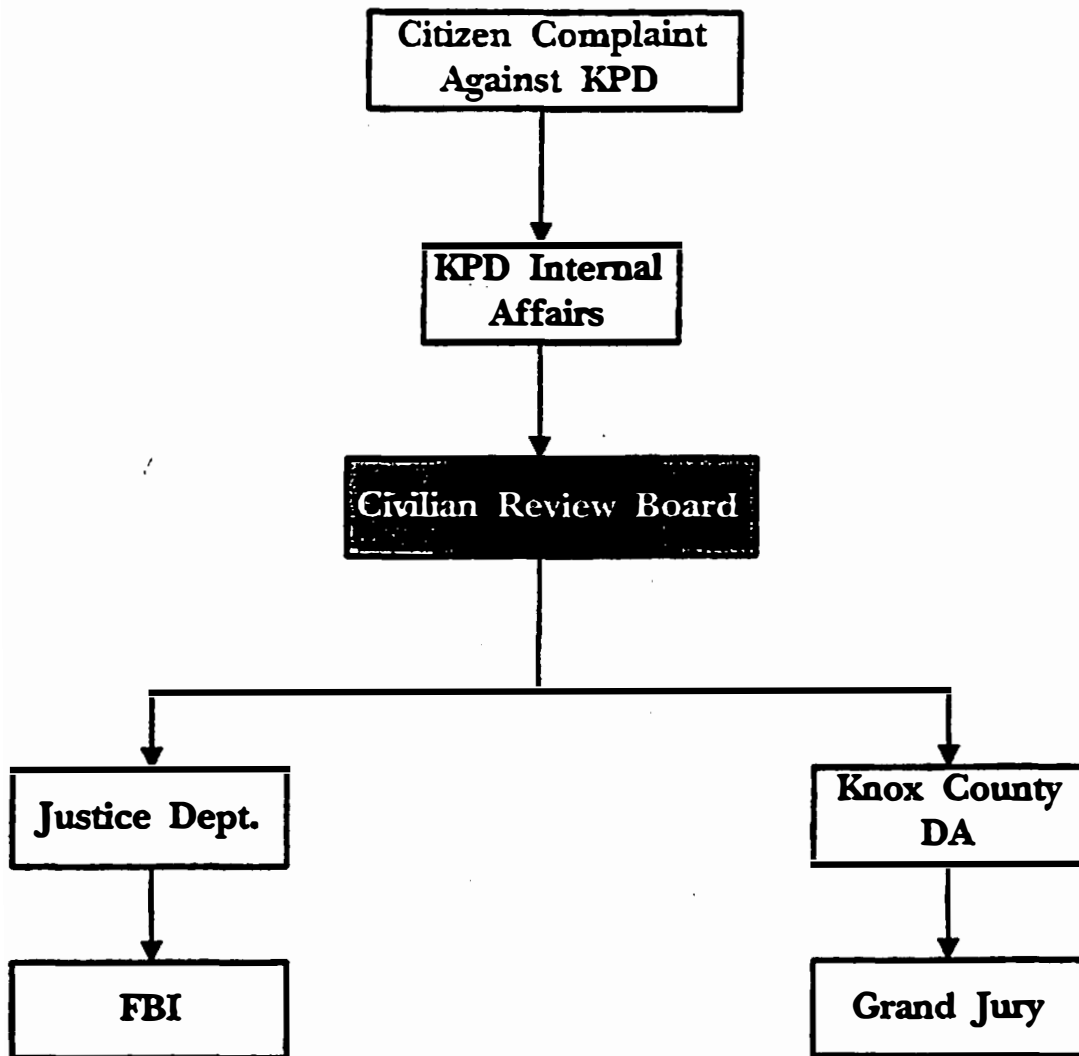
(Without a Civilian Review Board)



Flow Chart 1.A

Citizen Complaint Process

(With a Civilian Review Board)



Flow Chart 1.B

What is a Citizens' Review Board?

History and Concept

In the most generic sense, a Citizens' Review Board is a group of citizens who reviews the work of the police. This concept first came to light in the 1950s because of dissatisfaction with internal investigations and disciplinary procedures within police departments. The complaints were the same as they are today; namely, it is impossible for the police to police themselves. Citizens complained of superficial investigations and cover-ups within the departments. Complaints of police brutality and misconduct were taken lightly or met with reprisal. The concept of a CRB is based on the idea that civilian investigations of these complaints will be more accurate in that they're conducted by people who are not part of the institution, or *system*, being investigated, thus being *independent* by design.

Opposition

Opposition to a civilian review process is expected, for it implies, if not states, that the system that is now in place is not working. It says that police officers are failing to adhere to standard policies and procedures with little or no risk of reprimand. Or maybe, that the current policies and procedures are inadequate, outdated, or outmoded and need to be revised. It is insulting to the police chief, for it says that somewhere in his organization the proverbial ball is being dropped. It is insulting to the Mayor for he appointed the police chief to that position. It is a direct attack on the inhumanity of the officers possessing a high propensity towards human degradation. We are exposing the corruption of an institution and saying that they are *unable* to correct the problem on their own. That they can not be *trusted* to correct the problem on their own. They do not want to hear it, so it is only natural for them to be against it. But first we must ensure that WE hear it! That we KNOW IT! And that we resolve to CHANGE IT!

CRB TYPES

Because of the varying degrees of power and authority of existing police review groups, one can easily become confused over their purpose and effectiveness.

The five most common types of civilian systems are:

TYPE I: Citizens who are not sworn officers initiate the investigation. They report their findings to a board of non-officers and request a recommendation of discipline or leniency. This is the *most* independent of the types.

TYPE II: Sworn officers initiate the investigation. They report their findings to a board of

non-officers for a recommendation.

TYPE III: Sworn officers initiate the investigation and make a recommendation to the police chief. If the complainant is dissatisfied with the chief's action on the complaint, he or she may appeal to a board that includes non-officers.

TYPE IV: Policy Auditor - The independent policy auditor reviews police policies, practices and procedures, but have no other powers. Can be a hired contractor.

TYPE V: The Civilian Investigative Agency - Generally uses professionally trained and paid investigators who interview witnesses and collect evidence.

Other types of civilian review systems exist, but these are the most common.

What We Are Seeking:

We are asking for the formation of a Citizens' Review Board with the following powers:

- ☐ **Independence.** The power to conduct hearings, subpoena witnesses and report findings and recommendations to the public.
- ☐ **Investigatory Power.** The authority to independently investigate incidents and issue findings on complaints.
- ☐ **Mandatory Police Cooperation.** Complete access to police witnesses and documents through legal mandate or subpoena power.
- ☐ **Hearings.** Essential for solving credibility questions and enhancing public confidence in process.
- ☐ **Policy Recommendations.** Authority to review policies in order to spot problem policies and provide a forum for developing reforms.
- ☐ **Review hiring and training policies and practices.**
- ☐ **Statistical Analysis.** Power to analyze patterns of police conduct and to provide public statistical reports that detail trends in allegations, and early warning systems that identify officers who are subjects of numerous complaints.
- ☐ **Adequate Funding.** Should not be a lower budget priority than police internal affairs systems.
- ☐ **Disciplinary Role.** Board findings should be considered in determining appropriate disciplinary action.
- ☐ **Separate Offices.** Should be housed away from police headquarters to maintain independence and credibility with the public.

Why Do We Want A Citizens' Review Board?

We want a Citizens' Police Review Board because we do not trust the police in policing itself. We have hundreds of years of abuse afflicted on African-Americans to back up this mistrust. We have years of abuse afflicted on the poor to back up this mistrust. We have years of abuse afflicted upon women and other minorities to back up this mistrust. We have the current moment (James Woodfin and Juan Daniels) to add to the annals of our historical experience. Why should we permit things to continue as they have been and then expect our future experience with the police agencies to change? We want a Citizens' Police Review Process because we do not want our sons and daughters to have to experience the lack of civility historically shown to African-Americans and people of lower economic status.

We need a Citizens Police Review Board to resolve some of the current problems we are experiencing with the Knoxville Police Department:

- ☐ Use of deadly force
- ☐ Excessive use of physical force
- ☐ Discriminatory patterns of arrest
- ☐ Patterns of harassment of minorities and low-income residents
- ☐ Chronic verbal abuse of citizens
- ☐ Discriminatory non-enforcement of the law, such as the failure to respond quickly to calls in low-income areas
- ☐ Lack of respect or courtesy when dealing with the public
- ☐ Destruction of trust, faith, and confidence in the system due to these practices

The Police and YOU

"Silence is golden!" Be careful what you say to a police. What you say CAN and WILL be used against you.

You do not have to give your consent to search of yourself, your home, or your vehicle. If asked, indicate clearly that your consent is NOT given. Do not assume that your silence translates to non-consent. If the officer indicates that s/he has a search warrant, ask to see it. By law, they may then search only the areas indicated in the warrant.

It is not illegal to refuse to answer questions. You may not be arrested for refusing to identify yourself on the street, yet you must provide identification when stopped in a car.

When stopped by an officer, ask for identification. This may prove helpful later on.

An officer may "pat-down" your clothing if they suspect a concealed weapon.

Ask if you're under arrest. If so, you have the right to know why. If not, as if you're free to leave. If so, *walk* away. Never *run* from the police.

Stay calm. Do not argue with the police. Do not threaten the police. Do not fight with the police. Do not give an officer the opportunity to claim "self-defense" for killing you. It's your life. You know that the officers are armed and licensed to kill -- don't give them just cause to make *you* their next casualty.

Do not resist arrest -- even if you're innocent. You can file a complaint later.

Miranda Rights

Once arrested, your Miranda rights apply:

- ☐ **You have the right to remain silent. Anything you say can and will be used against you in a court of law.**
- ☐ **You have the right to speak with an attorney and to have him/her present while you're being questioned. If you cannot afford an attorney, one will be appointed to represent you.**

The arresting officer must advise you of these rights, yet s/he may recite them too quickly or unintelligibly -- or maybe not at all. **It is your responsibility to know and exercise these rights.**

Tell the police nothing but your name and address. Do not give explanations, excuses or stories. Ask to see an attorney immediately. If you cannot afford a lawyer, ask the police how a lawyer can be contacted.

THINGS TO DO
IF YOU ARE HARRASSED OR BRUTALIZED BY THE
KNOXVILLE POLICE DEPARTMENT (KPD)

1. Immediately contact the Knoxville NAACP
(423) 522-8930
 2. Take pictures if there are any bruises, cuts or abrasions.
 3. Seek medical attention for injuries, if necessary.
 4. Get the name(s) of the police involved.
 5. Get the names of all witnesses.
 6. File an immediate complaint with the Internal Affairs Department of the KPD.
(423) 521-1237
 7. File a formal complaint with the Knoxville NAACP
3023 Selma Ave. **Office Hours: Thursday 5-7pm**
 8. Contact an attorney, if necessary.
-

If you need assistance with filing your complaint with the Internal Affairs Office of the KPD, contact the NAACP Office.